

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 TONY CAMPBELL,

No. CIV S-05-0503-MCE-CMK-P

12 Plaintiff,

13 vs.

ORDER TO SHOW CAUSE

14 S. SCHMIERER, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's second amended complaint (Doc.
19 10).

20 As a threshold matter, the court addresses plaintiff's apparent failure to be truthful
21 in representations made to this court. In doing so, the court looks to plaintiff's initial complaint,
22 filed on March 13, 2005, and to its own records. See United States v. Wilson, 631 F.2d 118, 119
23 (9th Cir. 1980) (holding that court may take judicial notice of its own records). Plaintiff states in
24 his initial complaint, which was signed under penalty perjury, that he has filed one prior lawsuit
25 while a prisoner. As to details about this prior lawsuit, plaintiff states "N/A." The court's
26 records, however, show that plaintiff has filed more than twenty-four lawsuits in the United

1 States District Court for the Eastern District of California.

2 Federal Rule of Civil Procedure 11(a) requires that all pleadings and motions be
3 signed by an attorney or, if a party is proceeding pro se, by that party. The rule further provides
4 that, by signing a document, the attorney or party represents that the factual contentions are true.
5 See Fed. R. Civ. P. 11(b)(3). Based on the apparent untruthfulness of the factual contention
6 concerning prior lawsuits, plaintiff will be required to show cause why appropriate sanctions
7 should not be imposed for violation of Rule 11. See Fed. R. Civ. P. 11(c)(1)(B). In addition,
8 plaintiff shall: (1) list all prior lawsuits filed in any court while a prisoner; and (2) describe the
9 result for each such listed lawsuit. Plaintiff is warned that failure to fully comply with this order
10 may result in dismissal of this action for lack of prosecution and failure to comply with court
11 rules and orders. See Local Rule 11-110.

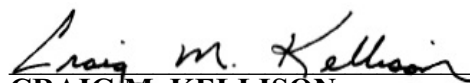
12 The court will defer screening plaintiff's second amended complaint pending full
13 compliance with this order to show cause.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. Plaintiff shall show cause in writing, within 20 days of the date of service
16 of this order, why appropriate sanctions should not be imposed pursuant to Federal Rule of Civil
17 Procedure 11 for plaintiff's failure to truthfully declare the number of prior lawsuits filed while a
18 prisoner; and

19 2. Plaintiff's response to this order to show cause must list all prior lawsuits
20 filed in any court while a prisoner and must also describe the result for each such lawsuit.

21
22 DATED: November 28, 2005.

23
24 
25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE